

IN THE FIFTH JUDICIAL DISTRICT OF IOWA

IN RE: JAIL COURT IN POLK
COUNTY

ADMINISTRATIVE ORDER 2020-28

As previously ordered in Administrative Order 2020-26, with certain modifications, jail court will continue during the pendency of the Covid-19 health crisis. While this directive remains in effect, the court implements the following procedures to allow jail court to be conducted remotely:

INITIAL APPEARANCES:

1. Each weekday, prior to the start of initial appearances, the appropriate court staff shall print the complaints for each in-custody defendant scheduled for an initial appearance and provide those to the appropriate jail staff to be served on the in-custody defendants. For weekend jail court, the appropriate court staff shall print the complaints for each in-custody defendant scheduled for an initial appearance to the printer in the jail courtroom. Jail staff has agreed to provide the in-custody defendants with copies of the complaints.
2. Initial appearances will begin at their regularly scheduled time and shall be conducted by Go to Meeting or any other videoconferencing software approved by the Court and the jail. Except as otherwise provided herein, the Court shall ensure that all paperwork related to an in-custody defendant's initial appearance is provided to the PCSO so that each defendant receives his/her paperwork at the conclusion of each initial appearance.
3. Applications for counsel shall be made verbally to the judicial officer. The Court shall collect the appropriate information, including a telephone number and address, from each defendant and enter the appropriate appointment order.
4. If a No Contact Order is issued at initial appearance, the court shall verbally notify the in-custody defendant of the existence and terms of the No Contact Order and shall indicate that it advised the defendant of such on each No Contact Order issued. The

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Court shall ensure that a signed copy of each No Contact Order is promptly delivered electronically to the jail to be served upon the appropriate in-custody defendant.


5. The judicial officer shall continue to sign paper copies of orders relating to out of county warrants. The judicial assistant shall be responsible for ensuring a signed copy is provided to the PCSO.
6. Pursuant to the Supreme Court's March 17, 2020 supervisory order, which allows for initial appearances to be conducted by videoconference or telephone, in-custody defendants may verbally waive their rights to preliminary hearings. If an in-custody defendant waives his or her right to a preliminary hearing, the judicial officer shall indicate the oral waiver on the Order Setting Arraignment.
7. At the time of initial appearance for an in-custody defendant charged as a Fugitive from Justice pursuant to Iowa Code Chapter 820, the Court shall appoint counsel, if appropriate, and schedule a status conference for no later than seven (7) days from the date of initial appearance. The status conference shall be set for an in-person hearing at the Polk County Criminal Court Building.
8. In all other respects, initial appearances shall be conducted consistent with current practices and the Court's prior administrative orders.

OTHER COURT HEARINGS

1. Arraignments shall continue to be handled as outlined in the Court's prior administrative orders. To the extent an in-person arraignment proceeds with a self-represented in-custody defendant, the judicial officer shall ensure that a printed copy of the Trial Information and Minutes of Testimony have been provided to the defendant prior to the arraignment proceeding. The Court shall note on the arraignment order that the defendant has received a copy of the required documents.
2. First round probation violation hearings on misdemeanor cases shall continue to be handled remotely by the Court.

3. Consistent with the Supreme Court's supervisory orders and the Court's prior administrative orders, misdemeanor guilty pleas shall be handled by paper filings. To the extent the in-custody defendants waive their personal presence in writing or on the record, misdemeanor sentencing hearings may be conducted by Go To Meeting.
4. At this time, attorneys should continue to appear in jail court with their in-custody clients for all jail court proceedings.
5. To the extent not modified herein, all other jail court proceedings should continue consistent with the Court's prior administrative orders.

Dated this 1st day of April, 2020.



MICHAEL D. HUPPERT, CHIEF JUDGE
FIFTH JUDICIAL DISTRICT OF IOWA

Copies:
Chief Justice Susan Christensen, Iowa Supreme Court
Liaison Justice Edward Mansfield, Iowa Supreme Court
State Court Administrator, Todd Nuccio
Fifth Judicial District Judges, Staff and
Stakeholders by email
Posted on Judicial Branch Website